

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
October 15, 2001

PROPOSED RULES WOULD ESTABLISH A SOIL GIS REGISTRY

At their October meeting, Natural Resources Board (NRB) members will be asked to authorize hearings on proposed changes to chapters NR 700, 714, 722, 726 and 749. These changes would clarify application of deed notices and restrictions to properties where residual soil contamination remains after closure, and would establish an on-line geographic information system (GIS) registry to replace most soil deed notices. (This would be similar to the groundwater GIS registry that becomes effective November 1.) Sites closed with residual soil contamination would be placed on the soil GIS registry to notify future owners and users about the residual soil contamination. Because this new registry would provide continuous public access to this information, the proposed rule would repeal NR 714.07(5), which currently requires responsible parties to publish a legal notice in the newspaper when proposing a soil performance standard. Proposed changes to NR 749 would establish a fee of \$200 to enable DNR to recover costs of managing the soil GIS registry. The rule would also specify when deed restrictions must be recorded for properties with residual soil contamination. This would allow property owners and others to anticipate any restrictions on land use likely to be required as a condition of case closure, by clearly establishing the institutional controls required with closure approval. Other related changes to ch. 700 and 726 would define the term "industrial land use," specify contents of deed restrictions, and change some provisions of the groundwater GIS registry to be consistent with the new soil GIS registry. The rule changes, background memo and NRB summary can be found on our Regulations web page. Please see "What's New?" <http://www.dnr.state.wi.us/org/aw/rr/index.htm>

NATURAL ATTENUATION LETTERS AND FACTSHEET REQUIRED

Starting in November, case closure requirements for sites with groundwater contamination above enforcement standards (ES) will be different if groundwater has crossed the property line and is still above the ES. In this case, responsible parties must send a letter to owners of affected properties and include a DNR factsheet with the letter. The natural attenuation factsheet was announced in the Oct. 12 "RR News from DNR" and is on our web site at <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR671.pdf>. Affected neighbors who receive the letter and factsheet then have at least a 30 days to provide any relevant technical information to DNR or Commerce before the state reviews the case closure request. The contents of the letter that RPs must send to affected neighbors are included in Appendix A of the revised NR 726. The rule revisions, including Appendix A, are on the RR web site Regulations page at http://www.dnr.state.wi.us/org/aw/rr/wi_regs/index.htm. Look under proposed revisions to administrative codes, 8/21/01, and open the "Full Green Sheet Package with Response to Comments" to find the rule language. The relevant section is NR 726.05(3)(a)4.g. The RP must include copies of these letters to other affected property owners in the case closure request.

NEW PUBLICATIONS FROM THE DEPT OF HEALTH & FAMILY SERVICES

The WI Department of Health and Family Services (DHFS) has added three new factsheets to the Environmental Health Resources section on their

DHFS web site, located under the Human Health Hazards topic. They are

- Old Dumps and Landfills
- Former Manufactured Gas Plants,
- Lead in soil from Exterior Lead Paint (also found in their Lead section)

http://www.dhfs.state.wi.us/dph_beh/Env_Health_Resources/index.htm

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